

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Public Alliance for Community Energy (ACE), seeking additional authority as a Competitive Natural Gas Provider to serve the entire state of Nebraska. ) Application No. NG-0012.1 ) ) ORDER DENYING MOTION TO COMPEL IN PART AND CONTINUING HEARING ) Entered: January 17, 2006

BY THE HEARING OFFICER:

O P I N I O N   A N D   F I N D I N G S

On January 11, 2006, Cornerstone Energy, Inc. (Cornerstone) filed a Motion to Compel responses by the Public Alliance for Community Energy (ACE) to Cornerstone's data requests. Oral argument on the matter was held January 13, 2006.

The Hearing Officer finds that Cornerstone's Motion is denied with respect to its Data Requests Nos. 2, 8, 9, and 15. With respect to Cornerstone's Data Request Nos. 6, 10, and 12, I find that the motion is sustained in part. ACE shall be compelled to provide Cornerstone a description of the relationship between Midwest United Energy, LLC (MUE) and identify any interconnected facilities or employees as requested in Data Request No. 6(c). Additionally, ACE shall respond to Data Request Nos. 10 and 12 with respect to those employees on whom ACE intends to rely to demonstrate managerial and technical expertise in support of its application. The Motion is denied with respect to the remainder of the requests.

ACE shall respond as outlined herein to Cornerstone no later than 5:00 p.m. on January 24, 2006. In order to allow sufficient time to respond and prepare for hearing in this matter, I further find that the hearing previously scheduled for January 23, 2006 should be continued to a date to be determined and all other deadlines set forth in the Prehearing Conference order entered on December 16, 2006, be suspended until a new hearing date is set.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that Cornerstone's Motion to Compel is denied in part and sustained in part as described herein.

IT IS FURTHER ORDERED that the hearing previously scheduled for January 23, 2006, is continued to a date to be determined and all other deadlines set forth in the Prehearing Conference order entered on December 16, 2006, are suspended until a new hearing date is set.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of January, 2006.

BY THE HEARING OFFICER

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Commissioner Frank Landis